

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No: 1:22-cv-22538 (ALTMAN/REID)

DOMINIK KARNAS, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

**DECLARATION OF HARRIS LABEL REGARDING DEFENDANTS MARK CUBAN'S
AND DALLAS BASKETBALL LIMITED'S SUPPLEMENTAL OPPOSITION TO
PLAINTIFFS' MOTION TO CERTIFY NATIONWIDE ISSUE CLASSES, PURSUANT
TO FEDERAL RULES OF CIVIL PROCEDURE 23(A), 23(B)(3), AND 23(C)(4)**

I, Harris Label, under penalty of perjury, state as follows:

1. I am a Senior Vice President at AlixPartners, LLC (“AlixPartners”).
2. AlixPartners has been retained by Defendants Mark Cuban (“Mr. Cuban”) and Dallas Basketball Limited d/b/a Dallas Mavericks (the “Mavericks”) in the above-entitled action (collectively, the “Defendants”).
3. I submit this Declaration regarding Defendants’ Supplemental Opposition to Plaintiffs’ Motion to Certify Nationwide Issue Classes, Pursuant to Federal Rules of Civil Procedure 23(A), 23(B)(3), and 23(C)(4) (ECF No. 231).
4. AlixPartners was retained by Defendants to assist with Defendants’ review of a dataset made available to Defendants by Voyager (the “Dataset”). My understanding is that Voyager is currently undergoing bankruptcy proceedings in the Southern District of New York.
5. The Dataset comprises customer records stored in Voyager’s Snowflake database—a cloud-based data warehouse platform. Accessing and analyzing data in this platform requires input of coding queries subject to specific parameters. The data can then be exported as csv files, which are compatible with Microsoft Excel for further analysis and manipulation.
6. Voyager provided Defendants with “read-only” access to the Dataset, meaning that Defendants, with my assistance, could access—but not edit—the data underpinning Voyager’s customer activity records.
7. Further, it is my understanding that the Dataset encompasses comprehensive transaction activity for Voyager’s 3.6 million user accounts, along with key details such as account creation dates, account status, promotional codes utilized, and user referral codes utilized.
8. I note that Voyager provided access to the Dataset as a “snapshot” of the then existing state of the company’s records, meaning the Dataset is not updated in real time, including new developments in Voyager’s bankruptcy proceeding.
9. In connection with my assisting Defendants during their review and analysis of the Dataset, counsel for the Defendants instructed to me to run discrete coding inquiries through the Dataset, in order to facilitate their review and analysis of the same.
 - A. **Statistics Gleaned from Voyager Data**
10. Upon receiving access to the Dataset, Defendants’ counsel directed me to run certain queries to answer discrete questions.

11. For example, annexed hereto as **Exhibit 1** is a true and correct copy of the coding inquiry results which show the first date on which Voyager paid “rewards” to its customers, and the date on which Voyager first facilitated a user’s VGX trade. The first date Voyager paid “rewards” to its customers is identified by taking the minimum *created_at_ts* for any transfer in the Dataset with the *type* of “INTEREST” and *direction* equal to “DEPOSIT”. The date on which Voyager first facilitated a user’s VGX trade is identified by taking the minimum *filled_at_ts* for any trade in the Dataset with *base_asset* equal to “VGX” and a *status* of “filled”.

12. Annexed hereto as **Exhibit 2** is a true and correct copy of the coding inquiry results displaying all Voyager promotional codes and promotion names. All Voyager promotion codes and promotion names are identified by taking a distinct listing of all keys and *campaign name* pairings in the *voyager_campaign_used* object provided in the Dataset.

13. Annexed hereto as **Exhibit 3** is a true and correct copy of the coding inquiry results displaying a list of Voyager’s proprietary promotion codes and promotion names. All Voyager promotion codes and promotion names by month are identified by taking a distinct listing of all keys and *campaign name* pairings in the *voyager_campaign_used* object, in addition to the year and month the user using the promotion was created.

14. Annexed hereto as **Exhibit 4** is a true and correct copy of the coding inquiry results displaying various Voyager user population data. Total Voyager customers is calculated as the number of distinct *user_id* values present in the Dataset. The users’ *created_at_ts* is leveraged to bifurcate the total population into users who signed up before October 27, 2021 and on or after October 27, 2021. Voyager customers that signed up using a non-Mavericks-related promotion code is quantified as the number of distinct *user_id* values which have a valid key in the *voyager_campaign_used* object that does not contain the substring “MAVS.” Further, we are able to quantify the number of timely MAVS promotion code users as those that had a *created_at_ts* between October 27, 2021 and October 30, 2021, inclusive. We can flag whether these customers received their respective reward by checking for a transfer transaction with a *direction* of “DEPOSIT” and a *type* of “REWARD” in the expected amount and asset. To flag if these customers were paid interest on EPA-eligible securities, we check for a transfer transaction with a *direction* of “DEPOSIT” and a *type* of “INTEREST.” Lastly, we are able to flag if a customer has referred other customers by checking if a given *user_id* is present in the *user_referral_campaign_used* object of any other customers. If the respective *user_id* is present

in at least one other customer's *user_referral_campaign_used* object, then the customer of interest has referred another customer.

B. Named Plaintiffs & Example Customers

15. The Dataset includes all customer data, including named plaintiffs in this action, which are obtainable and reviewable by reference to a given customer's user ID.

16. Defendants' counsel also directed me to obtain certain example Voyager customers' trading and deposit data. These customers were identified by specific attributes or certain characteristics of their Voyager activity (*e.g.*, their use of a MAVS100 code).

17. Annexed hereto as **Exhibit 5** is a true and correct copy of key data points for all the named Plaintiffs and example customers. This includes account open date, promotion code used, and assets transacted. This also contains whether the customers have referred other customers; we can flag if a customer has referred other customers by checking if a given *user_id* is present in the *user_referral_campaign_used* object of any other customers. If the respective *user_id* is present in at least one other customer's *user_referral_campaign_used* object, then the customer of interest has referred another customer.

18. Annexed hereto as **Exhibit 6a – 6r** are true and correct copies of key user information, trades, and deposits and withdrawals for all the named Plaintiffs and example customers. Each exhibit reflects user information, trades, and deposits and withdrawals, pulled from the Dataset by filtering to the relevant *user_id*.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 31, 2024 in Northport, New York.

By: Harris Label
Harris Label